

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
APRIL 19, 2005
7:00 P.M.**

ROLLCALL Answering rollcall were Members Hulbert, Masica, Swenson and Mayor Hovland.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Swenson and seconded by Member Masica approving the Council Consent Agenda as presented.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-29 - 2005 EDINA HIGH SCHOOL GIRLS' ALPINE SKI TEAM COMMENDED Mayor Hovland commended the 2005 Edina High School Girls' Alpine Ski Team with their Championship of the Classic Lake Conference, Section 6AA as well as the State Championship.

Member Masica introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2005-29
RESOLUTION OF COMMENDATION
EDINA HIGH SCHOOL
2005 GIRLS' ALPINE SKI TEAM**

WHEREAS, the members of the Edina High School 2005 Girls' Alpine Ski Team were Champions of the Classic Lake Conference, Section 6AA Champions and State Champions; and

WHEREAS, success has come to the members of the Team because of their extraordinary ability, hours of practice and the leadership of their coaches; and

WHEREAS, as representatives of the City of Edina, the members of the Team exemplified the highest standards of athletic proficiency and good sportsmanship; and

WHEREAS, this is Edina's 119th State Championship.

NOW, THEREFORE, BE IT RESOLVED by the Edina City Council that congratulations be extended to the members of the Team:

Mallory Baker

Leslie Fox

Dave Nelson, Coach

Jaci Daudt

Patricia Lindholm

Sue Nelson, Coach

Perrie Finsand

Ellie White

Sarah Nelson, JV Coach

BE IT FURTHER RESOLVED that this resolution be recorded in the Minutes of the Edina City Council and that copies be given to members of the Team.

ADOPTED this 19th day of April 2005. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***MINUTES OF THE REGULAR MEETING OF APRIL 5, 2005, AND BOARD OF REVIEW OF APRIL 11, 2005, APPROVED** Motion made by Member Swenson and seconded by Member Masica, approving the Minutes of the Regular Meeting of the Edina City Council for April 5, 2005, and Board of Review for April 11, 2005.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2005-30 ORDERING IMPROVEMENT NO. A-216 FOR ROADWAY RECONSTRUCTION - SCHAEFER ROAD Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Engineer Houle explained the proposed project consisted of reconstructing the bituminous pavement and base on Schaefer Road from Interlachen Boulevard to Westwood Court, replacing fire hydrants and extending the storm sewer to accommodate new sump pump drain tile where needed to allow property owners to connect directly into the storm sewer system. He said this would eliminate sump pumps discharging directly onto the street. Mr. Houle noted the project had been initiated by staff in response to a resident's request for help with drainage problems along Schaefer Road. After reviewing the pavement condition staff expanded the project to include reconstructing the roadway. Mr. Houle said the existing storm sewer at Harold Woods Lane would be extended south to accommodate many sump pumps, which currently drain along Schaefer Road. He added that he was not recommending curb and gutter as part of this project.

Mr. Houle reported an informational neighborhood meeting was held November 15, 2004. The neighborhood was surveyed with 11 of 22 surveys returned. The majority of residents prefer that no decorative streets be incorporated to the project, but six respondents favored traffic calming. Mr. Houle stated he recommended this neighborhood be referred to the Transportation Commission. He added from an engineering standpoint the project was feasible.

Mr. Houle said the engineer's estimated cost for the proposed improvement was \$188,000 with an estimated special assessment of approximately \$9,400 per residential equivalent unit or assessable lot. He said that an assessable lot was determined to be a detached single family home abutting the roadway. Those lots abutting the project with their rear or side yards were proposed to be assessed at 1/3 of the assessable unit cost. Funding for the utility portion of the project would come from the City's Utility Fund and not be assessed.

Mr. Houle said if the Council ordered the improvement, he would prepare plans and specifications and advertise for bids. Then he would come back to the Council for the award of bid sometime in June with construction following the award and construction completed this fall.

Member Swenson asked if drainage problems such as that experienced by the residents of 5025 Schaefer would be resolved by the proposed project. Mr. Houle said it was the intent of the project to install an extension of the storm sewer to aid with drainage issues in the area.

Member Masica suggested in the future it would be beneficial to bring any potential traffic calming forward at the same time as the road projects. Mr. Houle replied that he hoped to be able to accomplish this in future projects.

Member Hulbert asked if the project were not completed until the summer of 2006, would the road be drivable during the winter. Mr. Houle explained that there would be a bituminous wear course installed, just not the final wear course if the project was not completed until summer of 2006.

Mayor Hovland said he recollected that this area had at one time been scheduled for re-surfacing. Mr. Houle replied that he believed Schaefer Road had always been slated for reconstruction.

Public Comment

Jeff Drobny, 5025 Schaefer Road, said he was a resident but had not taken part in the survey because it came at an inconvenient time. He expressed interest in speed abatement and traffic calming. Mr. Drobny said he was a two-year resident who has misestimated the traffic when purchasing his home. He added that he believed 17 of the residents on Schaefer Road were interested in pursuing a Neighborhood Traffic Management Plan with the Transportation Commission. Member Swenson asked if the time to pursue such a plan was before construction. Mr. Houle said he believed a plan

could be incorporated into the neighborhood without increasing costs even if done after the construction project.

Lucy Larson, 6300 Westwood Court, asked what kind of speed bumps would be used. Ms. Larson said that she has had residents yell to slow down when she was driving the posted speed. Mr. Houle clarified that at this time the project only consisted of reconstruction of the street and extending the storm sewer. Any traffic calming would be evaluated after a request has gone through the Transportation Commission.

Harry Dinwiddie, 5225 Schaefer Road asked why the road was being proposed to be reconstructed and why was the sewer being added, because in his opinion it could just be overlaid. Mr. Houle explained that it was his professional judgment that Schaefer Road was in need of reconstruction. He added that storm sewer was the only utility planned for the area and then only where it was needed to aid in drainage problems.

Jeffrey Rich, 5012 Schaefer Road, asked if the roads would be passable during construction. Mr. Rich expressed concern with large trucks involved in roadwork and the safety of the many children in the area. Mr. Houle said his staff would be coordinating the project and be in communication with the neighborhood.

Member Masica made a motion, seconded by Member Swenson to close the public hearing.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2005-30
ROADWAY RECONSTRUCTION
SCHAEFER ROAD
IMPROVEMENT NO. A-216**

WHEREAS, the Edina City Council on the 15th day of March, 2005, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No. A-216; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 19th day of April 2005, for Improvement No. A-216 reconstructing the existing bituminous pavement and base, replace fire hydrants and extending storm sewer on Schaefer Road from Interlachen Boulevard to Westwood Court at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement Project No. A-216 reconstructing the existing bituminous pavement and base, replace fire hydrants and extending storm sewer on Schaefer Road from Interlachen Boulevard to Westwood Court.

BE IT FURTHER RESOLVED that Improvement No. A-216 reconstructing the existing bituminous pavement and base, replace fire hydrants and extending storm sewer on Schaefer Road from Interlachen Boulevard to Westwood Court is hereby ordered as proposed.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 19th day of April 2005.

Member Hulbert seconded the motion.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

ACTION CONTINUED TO MAY 17, 2005 - ROADWAY RECONSTRUCTION - SCHAEFER CIRCLE, IMPROVEMENT NO. A-217 Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Engineer Houle explained the proposed project consisted of reconstructing the bituminous pavement and base, installing new watermain, repairing sanitary sewer as needed and replacing the water services from the new watermain to the curb boxes. He added that he was not recommending curb and gutter as part of this project.

Mr. Houle reported an informational neighborhood meeting was held November 15, 2005. The neighborhood was surveyed with eight of eight surveys returned. The majority of residents prefer that no curb and gutter or decorative streets be incorporated in the project.

Mr. Houle said the engineer's estimated cost for the proposed improvement was \$68,000 with an estimated special assessment of approximately \$8,500 per residential equivalent unit or assessable lot. He said that an assessable lot was determined to be a detached single family home abutting the roadway. Mr. Houle said that the assessments would be spread over ten years at approximately 6.5% interest using the Council's present policy. He reminded the Council that final assessments would be calculated after the project's installation at the assessment hearing.

Funding for installation of the new watermain and water services portion of the project would come from the City's Utility Fund and not be assessed.

Mr. Houle said if the Council ordered the improvement, he would prepare plans and specifications and advertise for bids. Then he would come back to the Council for the award of bid sometime in June with construction following the award and construction completed this fall.

Member Masica asked if this were the area where residents had problems with brown water. Mr. Houle replied it was not an area troubled with brown water, but he said staff had initiated the project because of the condition of the roadway and some drainage issues in the area. When he looked at the area he found Schaefer Circle not to have watermain. Since the road would be under construction he felt it was the correct time to install the watermain. The area residents all have private services. Mr. Houle said that when these older private services fail, residents would simply need to run their lines to the new watermain curb boxes. This would be quite a savings to the residents.

Member Hulbert asked what installing watermain would entail. Mr. Houle explained that a trench would be dug between seven to eight feet deep and the large watermain pipe installed in the trench. Then it would be backfilled and the road installed over the top.

Member Swenson asked if easements were needed to proceed with the project. Mr. Houle responded that a twenty-foot easement already existed where the sanitary sewer lines ran.

Mayor Hovland asked how yards were restored after being disturbed by an improvement project. Mr. Houle explained that all vegetation would be installed to the same condition it existed before the project. However, he pointed out if a mature shrub or tree was in the right-of-way and needed to be removed, they would be replaced with a smaller version. He added that the City staff worked with homeowners to achieve a mutually satisfying result.

Public Comment

Michael Lasky, 6201 Schaefer Circle, stated he believed that none of the Schaefer Circle residents wanted any of the proposed improvements. He asked the Council to delay making a decision on the project. Mr. Lasky said he felt that the road only needed to be overcoated and nothing more. Mr. Houle stated in his opinion overlaying the road would not be cost effective. He did not think it would last and that all the existing cracks will reappear quickly.

Member Masica asked how long the proposed project would take. Mr. Houle said he estimated approximately six to eight weeks would be required to complete the project.

Mayor Hovland asked what the consequences would be if this area were bypassed and reconstructed at a different time. Mr. Houle replied that in 1996 the Sunnyslope residents turned down road reconstruction that had been estimated at \$2,500-\$3,000 per lot and were now facing a cost of \$10,000 per lot. He said there was no way of knowing exactly how much the price would increase, but reminded the Council that road reconstruction materials are oil based.

Member Swenson asked if the project were not built and someone's watermain failed, then what would happen. Mr. Houle responded it would be at the homeowner's cost to connect to the nearest watermain.

Member Hulbert asked if there were code issues about hooking up a new home into an old line. Mr. Houle said he would have to check, but there could be issues if the lines were very old.

Don Hasbargen, 6213 Schaefer Circle, said he agreed with Mr. Lasky, adding the cul de sac got very little traffic. He added in the twenty years he lived there, he had not ever experience brown water. Mr. Hasbargen stated he did not see a need for either the watermain or a new road.

Dr. Paul Hartig, 6204 Schaefer Circle, said he was a thirty-year resident and agreed with his neighbors. They do not want the watermain at all and if absolutely necessary only redo the road.

Gary Totall, 6209 Schaefer Circle, said that three years ago his well failed and he had to pay to run a line to Vernon to hook up to City water. He said he was not sure there was a need for the utility work. He also wanted the road only overlaid.

Member Swenson asked if the mill and overlay would be done as a part of the City's general street maintenance and if an overlay only were done could it then need to be removed to fix a utility line. Mr. Houle explained that the cost of a mill and overlay would also be assessed, and that if a utility failure occurred anytime the road would be disturbed to repair the utility failure. He added that if the Council were leaning towards installing a mill and overlay he could put the figures together and bring the project back for Council review.

Member Masica said that she would like to see what the cost differential would be if the project were proposed as a mill and overlay instead of a total reconstruction.

Mayor Hovland suggested that staff prepare the estimates for a mill and overlay project and bring it back before the Council for consideration. He asked to have the data for the second meeting in May.

Member Swenson made a motion to close the public hearing seconded by Member Hulbert.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson made a motion to continue Improvement No. A-217, Roadway Reconstruction for Schaefer Circle to the regular meeting of May 17, 2005.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

RESOLUTION NO. 2005-31 ROADWAY RECONSTRUCTION, IMPROVEMENT NO. BA-328 - WEST 58TH STREET Affidavits of Notice were presented, approved and ordered placed on file.

Engineer Presentation

Mr. Houle explained the proposed project was staff initiated and was in the 2005-2009 Capital Improvement Project. He added the roadway and utilities had been originally constructed in the 1950's, with storm sewer improvements done in 1979. Mr. Houle said the existing roadway width was at 30 feet, which he was proposing to reduce to 28 feet with the exception of some proposed parking bay areas from 4600-4620 West 58th Street where the roadway would be increased to 32 feet in width. Mr. Houle explained the project would reconstruct West 58th Street between Wooddale and Concord Avenues as follows:

- Reconstruct Roadways to Municipal State-Aid Standards to include:
 - Roadway width:
 - 28 feet no- parking
 - 32 feet with parking lane
 - New concrete curb and gutter
 - New concrete driveway aprons
 - Protect trees along roadway
 - Concrete sidewalk on the north side:
 - 5 foot boulevard between St. Johns and Wooddale
 - Behind curb with parking lane/bay between Concord and St. Johns

Mr. Houle said that twelve of 19 surveys were returned with seven respondents desiring decorative streetlights and ten saying no to on-street parking. He said staff was suggesting installing the street lighting and on-street parking. Mr. Houle said he felt the parking was needed because otherwise those residents would have to have guests walk to either Concord or St. Johns to park.

Mr. Houle reported the estimated project cost at \$357,000 and following existing City policy for municipal state aid MSA roadways, 20% would be assessed. He added the existing policy provided that MSA assessments were calculated on a per assessable foot basis which for the West 58th Street project would be approximately \$68 per assessable front foot. Assessable feet would be derived using Hennepin County's 1/8-section maps. Properties with side or rear yards abutting the project would be calculated at one third of those with front yard assessments. A ten-year payback would be anticipated. Mr. Houle explained that based upon these parameters estimated special assessments calculated between \$2,600 and \$5,433.

Mr. Houle said if the Council ordered the improvement, he would prepare plans and specifications and advertise for bids. Then he would come back to the Council for the award of bid sometime in June with construction following the award and construction completed this fall.

Member Hulbert asked what changes were required because a roadway was designated MSA. Mr. Houle explained that there were different standards for the materials used to build MSA roadways, the width parameters were prescribed by statutes, and curb and gutter was required. He continued stating that since City equipment maintained the sidewalks, width of sidewalks were also dictated by the ability of maintenance equipment's access. Mr. Houle funding would come from use of the City's share of the MSA or gas tax funds along with the special assessments.

Public Comment

Bob Newkirk, 4600 West 58th Street, said that he was concerned about the safety issue of West 58th Street from Concord to St. John's. Mr. Newkirk said he would rather have the 28-foot street width with no parking. He added people rarely park on the street and he believed most neighbors would prefer the 28-foot width with no parking.

Bob Stolz, 4608 West 58th Street, said that he agreed completely with his neighbor, Mr. Newkirk.

Richard Eide, 4604 West 58th Street, expressed concern about potentially losing trees. He asked where the proposed sidewalk would be installed relative to the existing mature trees. Mr. Houle said the sidewalk would be south of the trees. He added that if no parking bays were installed there would be a boulevard between the street and sidewalk.

Gayle Hendley, 4620 West 58th Street, said she did not respond to the survey because it was poorly timed. Ms. Hendley said she bought a house in a residential neighborhood and did not want a parking bay in front of her home. Ms. Hendley expressed concern about losing driveway, mature trees (damage to root systems may not show up for years) and said she did not understand or agree with the engineer's comment that traffic bays would slow traffic. Instead Mr. Hendley felt widening the roadway would increase traffic speeds.

Moria Olson, 5801 Ashcroft Avenue, stated she shared her neighbors' concerns about losing trees and moving the roadway too far south. Ms. Olson asked to have the neighborhood re-surveyed regarding the street lighting.

Greg Haugen, 5725 St. Johns Avenue, said he did not want parking bays installed.

Stephanie Wendt-Johnson, 5800 Fairfax Avenue, said she did not want parking bays installed. She added that she also thought the timing of the surveys had not been well chosen. Ms. Wendt-Johnson said she did not understand assessments and added that she felt they were unfair. Mr. Houle explained that on a MSA street, existing City policy was to charge twenty percent of the improvement cost to the benefited property owner versus one hundred percent to homeowners on non MSA roads.

Ryan Langsev, 5801 Concord Avenue, commended staff for dealing with water run off issues. He said that any significant rain always caused Lake Concord to form. Mr. Langsev asked if the road were being reconstructed could the drainage issue please be dealt with at the same time. Mr. Langsev asked what kind of rain event the area was designed for and how long should water be standing in the area. Mr. Houle acknowledged the drainage challenges, but pointed out that the area was actually designed to be a holding area, moving water from private residences to public areas. He said he would review the data for the area to ensure that it was meeting its goal of handling a ten-year event. Mr. Houle said that it could be possible for water to stay in the holding area for two to four days after an event. Mr. Houle added that City staff checks the outlets in the area to ensure they are working properly.

Member Swenson commented that it was good to know "Lake Concord" was serving its intended purpose. She added she appreciated that people were supporting sidewalk and that she would support a 28-foot street width with no parking bays. Member Swenson asked if concern could be shown to the resident on the south side of the project with the short driveway.

Member Masica agreed with Member Swenson that no parking bays would be necessary.

Member Hulbert echoed her agreement with Members Swenson and Masica.

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Mayor Hovland agreed with his fellow Council Members to not install parking bays and keep the roadway at 28 feet. He stated he would like to see the neighborhood re-surveyed regarding the decorative street lighting and asked if it could be added to the project later.

Attorney Gilligan suggested if Council chose to order the project, they include the decorative street lighting, explaining it could be removed later if the new survey indicated the neighborhood did not support its installation.

Member Hulbert made a motion closing the public hearing. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2005-31
ROADWAY RECONSTRUCTION
WEST 58TH STREET
IMPROVEMENT NO. BA-328**

WHEREAS, the Edina City Council on the 15th day of March, 2005, fixed a date for a Council hearing on the proposed street reconstruction, Improvement No. BA-328; and

WHEREAS, ten days' mailed notice and two weeks' published notice of the hearing was given, and the hearing was held thereon on the 19th day of April 2005, for Improvement No. BA-328 West 58th Street between Wooddale and Concord Avenues including: reconstructing the existing bituminous pavement, constructing new concrete curb and gutter, driveway aprons, and sidewalk, installing retaining walls where needed; installing new decorative street lighting, repairing/replacing the watermain where needed, replacing fire hydrants; repair the sanitary sewer where needed; updating and extending the storm sewer and installing drain tile as needed at which time all persons desiring to be heard were given an opportunity to be heard thereon.

NOW, THEREFORE, BE IT RESOLVED that the Council has duly considered the views of all persons interested, and being fully advised of the pertinent facts, does hereby determine to proceed with the construction of said improvement, including all proceedings which may be necessary in eminent domain for the acquisition of necessary easements and rights hereby designated and shall be referred to in all subsequent proceedings as Improvement No. BA-328 West 58th Street between Wooddale and Concord Avenues including: reconstructing the existing bituminous pavement, constructing new concrete curb and gutter, driveway aprons, and sidewalk, installing retaining walls where needed; installing new decorative street lighting, repairing/replacing the watermain where needed, replacing fire hydrants; repair the sanitary sewer where needed; updating and extending the storm sewer and installing drain tile as needed.

BE IT FURTHER RESOLVED that Improvement No. BA-328 West 58th Street between Wooddale and Concord Avenues including: reconstructing the existing bituminous pavement, constructing new concrete curb and gutter, driveway aprons, and sidewalk, installing retaining walls where needed; installing new decorative street lighting, repairing/replacing the watermain where needed, replacing fire hydrants; repair the sanitary sewer where needed; updating and extending the storm sewer and installing drain tile as needed is hereby ordered as proposed.

BE IT FURTHER RESOLVED, that parking is prohibited from either side of West 58th Street between Wooddale and Concord Avenues.

BE IT FURTHER RESOLVED that the City Engineer is hereby designated as the engineer for this improvement. The engineer shall cause plans and specifications to be prepared for the making of such improvement.

Passed and adopted this 19th day of April 2005.

Member Masica seconded the motion.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***PUBLIC HEARING FOR VACATION OF PUBLIC STREET - PUKWANA LANE - CONTINUED TO MAY 3, 2005** Motion made by Member Swenson and seconded by Member Masica continuing the Public Hearing for Vacation of the public street, Pukwana Lane, until May 3, 2005.

Motion carried on rollcall vote – four ayes.

AMENDMENT TO ZONING ORDINANCE AND CONDITIONAL USE PERMIT FINAL APPROVAL FOR HAUGLAND COMPANIES - 3901 - 3907 WEST 50TH STREET AND 5000-5020 FRANCE AVENUE SOUTH FOR RETAIL AND RESIDENTIAL REDEVELOPMENT CONTINUED TO MAY 3, 2005 Affidavits of Notice were presented, approved and ordered placed on file.

Planner Presentation

Planner Larsen stated that very little had changed to the proponent's plans for re-development since the Council granted first reading of the requested zoning amendment and conditional use permit.

Mr. Larsen reported the Planning Commission reviewed the proposal and recommended the Council grant second reading to the ordinance amendment adding residential dwelling units as a Conditional Use in the PCD-1, 2 and 3 districts; and Conditional Use Permit approval for C-05-1, Haugland Companies with the following conditions:

1. Platting the property to incorporate all easement vacations and dedications;
2. Developer's agreement covering utility work and restoration of streets and walks; and
3. Watershed District permits.

Mr. Larsen introduced the proponent Gene Haugland to review the project.

Gene Haugland, 5229 West Highwood, reviewed the proposed project, showing a graphic depicting the exterior elevations. He displayed samples of the bricks proposed to be used on the building exterior. Mr. Haugland stated that the building was still being fine tuned, but essentially was depicted as he intended to build it.

Mr. Haugland said during construction they would maintain traffic and trash. Mr. Haugland said the project was still planned for two stages with the first phase beginning with the demolition of Arby's and building of the first retail area. After the existing retail had been able to move to the first phase the second phase would be demolished and built. Mr. Haugland said that he had arranged for construction parking of the crew at Calgary Church. He added they would do everything possible to keep the impact on the area as small as possible.

Member Masica told Mr. Haugland she was disappointed with the new rendering. She said in her opinion the building was not appropriate on France Avenue based upon the last rendering shown. She felt the building crowds the corner and did not blend well with the surrounding architecture or feel of the corner. Mr. Haugland reviewed the changes made from the second to third rendering and added that they were not quite satisfied with the windows.

Member Swenson said she remembered that an earlier rendering showed the France side of the building stepping back three feet. She expressed concern about the curve's mass making the building seem very heavy, hanging out into the street. Mr. Haugland said that was still stepped back from France, he added the curve was eighteen inches.

Member Hulbert asked if the building were still stepped back on the second floor as much as in the original rendering, what will be seen from the back of the building and would the walkway appear

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like a tunnel. Mr. Haugland replied there were still seven-foot balconies, the rear elevation would show the walkway and that yes, the walkway would appear as a tunnel.

Member Masica said she felt that fenestration of the corner could allay her fears of creating a canyon of building. Mr. Haugland replied they thought by setting back the building they were attempting to avoid that scenario.

Mayor Hovland commented with a project of this magnitude, the Council and Developer were actually in the business of building together because the project will have a life of a hundred years or more. He said he was concerned about whether the proposed building would fit with the existing conditions or would it create new conditions.

Roger Johnson, Opus Architects, explained that architecturally they had attempted to respect the heritage of what existed in the area, while still setting a standard for betterment. He said the corner design resulted from an attempt to make a memorable statement. Mr. Johnson explained the window design was still being worked on adding he was very sensitive to not designing an overbearing building for the site.

Mayor Hovland asked if the windows would be able to be opened and why three different bricks were chosen over a monochromatic scheme. He expressed concern over proposed materials for the walkway, and asked what assurance, if approved, that the building would be built to the standards desired for the area. Mr. Johnson said that the residential windows were designed to be opened, that three brick colors were chosen to give the feel of a group of small buildings that have grown together. He explained the intent was to build the walkway of pre-cast concrete and brick with pre-cast accents. Mr. Johnson said the pre-cast would be used on the buildings to a height high enough to protect the building from weather, road salt, etc. He added that all glass was planned to be clear low E glass with no tint. Mr. Johnson indicated that the mullions and railing were planned to be champagne in color.

Member Swenson commented that she would like to see pre-cast kept to a minimum. She added she thought the building was a lovely design, but agreed with her colleagues about the proposed curved corner. Member Swenson said she did not believe it was necessary.

Mayor Hovland asked if the individual retailers would have design authority over their own spaces, he questioned the management of traffic, parking and heavy equipment during construction, and asked about plans for the west elevation. Mr. Haugland replied that individual retailers would design their own areas. He said that Opus has had a great deal of experience with managing construction issues of traffic, parking and heavy equipment in urban construction settings. Mr. Haugland said that the west elevation had been planned to match the Edina Theatre.

Public Comment

Dick Curtin, 6310 McIntyre Court, commented that he had sent a letter with questions all of which has had answered.

Colleen St. James, Executive Director of the 50th and France Business Association, stated the Board was very pleased with the project and that Mr. Haugland has maintained good communication, keeping the Association up to date.

Member Masica made a motion to close the public hearing. Member Hulbert seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Mayor Hovland asked about the staging of construction. Mr. Haugland replied that tentatively they hoped to demolish Arby's and the Phase One portion of the project. He said it was hoped that by the 2005 Holiday season the Phase One street level would be finished and not interfere with holiday shopping traffic. Phase II's demolition would follow during March 2006 and be totally complete by holiday of 2006. However, the construction would impact the 2006 Art Fair because they would be in the midst of construction.

Member Hulbert said she felt the plan had changed dramatically. She stated she did not believe there was a need for another icon on the corner. Member Hulbert expressed concern over access through the parking ramp stating the City should be compensated in some way.

Member Masica stated she felt the second rendering was quite different from the first rendering and the third rendering changed even more. She stated her concern over what the project would evolve into for the corner. Member Masica added she agreed with Member Hulbert that there should be compensation to the City for the loss of parking spaces in the ramp. She added that perhaps the Council should also think about an annual maintenance fee.

Mayor Hovland said he felt it was a little dicey to begin telling architects how to design, but added that he knew what he liked or did not like. He stated he would like to see a written construction management plan. Mayor Hovland stated he felt it was the consensus of the Council, due to the various concerns to ask the proponent to do a little more work and return with more final plans. Mr. Haugland said they could be ready in two weeks.

Member Masica made a motion continuing until May 3, 2005, action on the final amendment to the zoning ordinance and conditional use permit for Haugland Companies, 3901-3907 West 50th Street and 5000-5020 France Avenue South for retail and residential redevelopment.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***PUBLIC HEARING CONTINUED TO MAY 3, 2005, FOR FINAL REZONING AND FINAL PLAT APPROVAL FOR MARK JONES/PUKWANA TOWNHOMES LLC - 5125 49TH STREET WEST - TOWNHOUSE DEVELOPMENT** Motion made by Member Swenson and seconded by Member Masica continuing the Public Hearing for Final Rezoning and Final Plat approve for Mark Jones/Pukwana Townhomes LLC - 5125 49th Street West until May 3, 2005.

Motion carried on rollcall vote - four ayes.

RESOLUTION NO. 2005-32 APPROVING A CONDITIONAL USE PERMIT BETWEEN THE CITY OF EDINA AND INDEPENDENT SCHOOL DISTRICT 273 AT THE EDINA COMMUNITY CENTER AND SOUTHVIEW CAMPUS FOR CONSTRUCTION OF GYMNASIUMS Affidavits of Notice were presented, approved and ordered placed on file.

Mayor Hovland asked the President of the Edina Community Center Neighborhood Association (ECCNA), if her group could present their materials in thirty minutes. Marie Fesenmaier responded she believed her group would try to comply with that timeframe.

Staff Presentation

Mr. Larsen stated the City was seeking a Conditional Use Permit to allow the construction of two new gymnasiums on the Southview Middle School and Edina Community Center Campus. He added that on November 26, 2004, the City Council and Edina School Board held a joint public hearing. Following the hearing the Council and Board each took separate action voting to proceed and entered into a joint use agreement and facility lease agreement for the new facilities. The City would pay the construction costs for the two gymnasiums.

Ted Rozeboom, project architect of RMA Architects, gave an overview of the proposed renovations to the site including the proposed gymnasiums at Southview and the Community Center. He pointed out with the aid of graphics the locations of the proposed gyms, green space, and traffic circulation patterns. Mr. Rozeboom noted that school district users would be able to move between the Community Center and Middle School space internally on the campus. He said this flow would make the "joint use" component of the project work very well.

Member Swenson asked if a concession stand was being built. Mr. Rozeboom said yes, but it was located on school property at the School District's expense.

Mayor Hovland asked about the curb cut off of Normandale Road and where were the 100 new parking spaces going to be located on site. He also asked when the new parking would be available. Mr. Rozeboom reviewed the revised curb cuts and the designated pick up/drop off locations. He pointed out the two parking lots that have been designed to serve the gyms. Mr. Rozeboom said the new parking spaces will be located in the parking lot on the east side of the Community Center and they will be available for use beginning 2006. He added the "Hut" would be removed during the summer of 2005, but the adjacent lot would stay intact.

Member Masica asked if there were any opportunities for value engineering to soften the five million dollar costs of the gyms and about whether the main pedestrian path would be lit. Mr. Rozeboom said with the cost at 4.9 million currently there would be the opportunities for value engineering during: schematic design, design development and while preparing construction documents. Mr. Rozeboom explained the pedestrian path would be lighted and also wide enough for maintenance equipment.

Member Swenson asked whether the auditorium would seat more or less people at the Community Center. Mr. Rozeboom said the ECC Auditorium would seat the same or slightly fewer. However, he said the Southview Theater would be larger, seating 200 more.

Peyton Robb, 4812 Valley View Road, School Board Member, a member of the Joint Powers Oversight Committee, (JPOC) the committee formed by both the School District and City, a member of Construction Bond Oversight Committee (CBOC) the School Districts Committee to oversee the last bond referendum construction. Mr. Robb said that the reasons the gyms were being built on the ECC/Southview Campus was because there has been an overwhelming need demonstrated in the City for additional gyms. He continued stating that by placing the gyms on school property there would be no need to buy land, there were the economies of scale from using existing heating plant, utilities and maintenance staff. The school would benefit from the overall use of two additional gyms at this location.

Mr. Robb suggested that it be kept in mind that the new facilities were being built to serve Edina youth. He added the School District would control the use of the site; they may only be used after school hours, not during the day. In addition, if there was an event booked that would conflict with using the gyms, the District retained the ability to say that no use of the gyms could occur. Mr. Robb said the users of the facilities would be determined jointly by the JPOC. He said that he believed the finished project will be a beautiful facility and added the School District was very willing to work with the neighborhood.

Member Masica said she felt that scheduling the facilities was a critical point with the neighborhood. If there could be gaps between events and perhaps a cap on the number of events that could allay some fears of the neighbors. She asked for some assurance that the School District would keep a close watch for potential conflicts. Mr. Robb said that the District could look at those suggestions, but he

cautioned that putting too severe a restriction would be counterproductive to building the gyms. He stated the gyms were being built to allow the School District and City to jointly build programs that would help kids make good choices and keep them safe. He stated neither the School District nor the City would want conflict with the neighbors over parking and programming the site.

Mayor Hovland commented that the Southview pool would contain more seating. He also asked if the larger theater at Southview would mean move events. Mr. Robb said that was correct and pointed out that high school swim meets would take place at Southview on Saturdays and Sundays. He said this would be the same number of meets as were currently being held and that practices would also continue as it currently does. Mr. Robb said the larger theater at Southview would not be more events for the school, but perhaps from the Community at large there would be requests to use the facility.

George Klus, 5232 Lochloy Drive, Edina Park Board Chair, briefly reviewed the last ten-year history of site selection and research done attempting to locate additional gyms in Edina. Mr. Klus stated the Edina Park Board fully supported the addition of gyms at the ECC/SV campus as the best location to build additional gymnasiums. Mr. Klus said the Park Board has looked at: old Northwest Racquet Club site, City gun range site, Braemar site, and exhaustively talked with the School District. He noted the demand has been there for additional space and when the opportunity developed to add two gyms on the ECC/SV campus it was determined as the right place and the right time to act. Mr. Klus added that it was not likely that either new gym would be programmed seven days a week.

Mayor Hovland asked Mr. Klus to comment on the evaluation of the Braemar Park site. Mr. Klus said that the Park Board has reviewed this location and determined that it would be very difficult economically to build an indoor gymnasium at this location. It would be better to build additional gymnasiums adjacent to a school where there were economies of joint use gained making the operation feasible. He reiterated that the School District would control programming through the Facility Use Agreement.

Public Comment

Marie Fesenmaier, 5713 Concord Avenue, explained the ECCNA's presentation had five components with each being presented by a different person. She explained they would be presenting their concerns with the proposed addition of two full sized gymnasiums on the Southview Middle School and Edina Community Center Campus. Ms. Fesenmaier stated the ECCNA's main concern has always been safety. Preserving a safe environment for the entire neighborhood has been a high priority. She added they feel the additional gyms at this location cannot be supported by the ECCNA. Ms. Fesenmaier asked the Council to stop, look at available options and build smart, safe and wisely.

Ron Wenaas, 5617 Sherwood Avenue, stated the traffic study used in the proposal was of bad design, used wrong assumptions, had weak conclusions and lacked credibility. He reviewed thirteen slides depicting the problems he found with the Traffic Study used in support of the proposed gyms. Mr. Wenaas pointed out the Edina Transportation Commission had unanimously rejected the traffic study.

Sue Wenaas, 5617 Sherwood Avenue, read a letter from Lisa Roebuck-Kranso, 5607 Dalrymple Road, who was unable to attend. The letter relating existing hazardous safety conditions. Ms. Roebuck-Kranso spoke of the curvy streets, limited stop signs and lack of sidewalks in a neighborhood where a large number of outsiders come on a regular basis when they do not know neighborhood patterns. She urged the Council to consider the safety concerns of the neighborhood.

Dan Rechtenwald, 5611 Sherwood Avenue, stated he had three children participating in multiple athletic activities. He said he was the ECCNA's representative to the User Group, but was adamantly

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not happy with the location of the additional gyms. Mr. Rechtenwald stated that the ECCNA's priority has always been safety and that traffic management needed to be taken seriously. He suggested that other options be explored further before any further decisions or building were undertaken.

Ryan Langsev, 5801 Concord Avenue, stated

- Plans were contrary to the recent intent of the majority of City voters who voted against the recent referendum of the City;
- Plan heavily burdened a minority of the community for the benefit of the "perceived majority";
- Much of the ECCN without sidewalks, curb and gutter and will be assessed for improvements to accommodate a sports complex;
- Plan not sensitive to the quality of life in the ECCNA, compromising safety of neighborhood children and circumventing long term urban planning designs; and the
- Plan failed to justify the rationale for its tentative approval.

Mr. Langsev presented a petition of signatures from area resident urging the Council to reject the requested Conditional Use Permit.

Susan Hadjiyanis, 5608 St. Andrew's Avenue, stated the plan may seem well planned but changes always occur. She said they did not support the gyms and were offended by the backdoor method of getting them built.

Moira Olson, 5801 Ashcroft Avenue, stated her home was already on a feeder street and she did not want the increased traffic. Ms. Olson said it was a quality of life issue. She urged the Council not to approve the plans.

Trish Kolkman, 5612 St. Andrews, stated that with or without the gyms, traffic was an issue. She asked the Council to be aware that if they vote yes they would be adding to an already difficult situation.

Ronald Madaras, 5603 St. Andrews, stated he lived one house beyond the 500 foot notification area and felt more people should have been notified.

Joni Kelly Bennett, 4003 Lynn Avenue, stated the Edina Transportation Commission had unanimously rejected the Howard Green Traffic Study. Ms. Bennett added the Transportation Commission has many top priority issues for traffic calming. She stated traffic calming was a fix and the traffic calmed from one area would go elsewhere, emphasizing traffic calming was not a substitute for good planning. Ms. Bennett said you would not be able to traffic calm your way out of the difficulty.

Mayor Hovland asked staff to respond to the suggestion that alternative sites be reviewed.

John Keprios, Park Director said there has been a long identified need for additional gyms in Edina. He pointed out there was no land left upon which to build the needed gyms. Mr. Keprios said that Lewis Park had been reviewed and found it was better suited to being renovated with turf and serving the public in this way. Mr. Keprios said Braemar gun range had been reviewed but it had been decided it would better serve the public as the site of the Police/Fire Training Facility, which had been built on the site. He said that over the years many, many sites have been reviewed such as: adjacent to the arena; former Midwest Health Club, and the Best Buy location. After careful study it was determined that the best location would be adjacent to existing school facilities. Mr. Keprios

reminded that the School District will have the ability to restrict the City's use of the gyms if their campus were already in use and booking the gyms would overpower the site.

Greg Bjork, 6605 Field Way, representing Edina Girls Traveling Basketball Association, said he was also a past president and member of the Edina Basketball Association. Mr. Bjork said they were not allowed in schools before 6:00 p.m. and that when they have children practicing after 9:00 p.m. many parents call to complain how difficult this was on the children. Mr. Bjork said when he coached there were usually ten kids at a time in the gym for a ninety minute session and that to meet the 9:00 p.m. self-imposed curfew they would run two sessions an evening. He said that tournaments were an enormous effort and the Association only wants to run one a year. More than one would burn out the parents. Member Swenson suggested the Associations give the printed materials to all involved families instructing them where to park at each location.

Dick Ward, 6809 Galway Drive, President of Edina Basketball Association, the biggest user of gymnasiums stated he believed the typical use would consist of weeknight practices of two ninety-minute sessions each holding about ten children per court. He added that he agreed with Mr. Bjork that the Association would only desire to run one tournament a year because of the workload involved. He added that if any additional tournament were run it would be one in the spring, which has not happened in the last five years. Mr. Ward said the EBA realizes the traffic issues surround the Community Center, but he added the EBA serves approximately 500 Edina families and over 1,000 Edina children. He agreed that the various options have been looked at for many years, adding he believed Edina participants would be respectful of the neighborhood. Mr. Ward applauded the Council in their wisdom for moving forward with the gym project.

Marcia Friedman, 6613 Sally Lane, past president of the Edina Girls Athletic Association, which programs basketball, volleyball and flag football, said their association would include traffic parking guidelines on all printed materials with schedules. She added that girls' athletics has grown for all venues and also urged the Council to keep moving forward with the proposed gyms. Ms. Friedman stated her Association also received complaints from parents when programs run after nine at night.

Gerry Ford, 5725 Fairfax Avenue, stated he did not believe that only ten children per court would be programmed. He said the gyms would intensify the traffic and safety concerns of the area.

Hermina Hunninghake, 4617 Concord Terrace, stated she did not know about additional traffic, but that traffic was already very bad. She related two incidents where there were serious issues and asked who to call for help. Mayor Hovland replied you would call 911 any time you needed help with this type of issue.

Deb Witt, 5604 Dalrymple Road, expressed concern if the gyms were opened up for sports for tenth through twelfth graders because they would be driving themselves and not carpooling. She questioned the ability to control where parents park and added she did not believe the Basketball Association would not add tournaments.

Ron Wenaas, 5617 Sherwood, stated traffic causes parking problems and that increasing parking would not decrease traffic.

Dan Rechtenwald, 5611 Sherwood, stated he was not speaking out against the athletic associations, but that the Edina Community Center does not work today with traffic or parking. He said the additional gyms need to be in a better place and told the Council they were not doing the right thing building the additional gyms where they were proposed. He asked to have them put elsewhere.

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Doug Johnson, 5119 Valley View, Director of Community Education Services, stated he believed the traffic issues being dealt with were because the School District has done their job of programming so well their usage has grown tremendously. Mr. Johnson said that once the construction was done it would become apparent that the traffic and parking could be managed.

Member Masica made a motion closing the public hearing. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Swenson said that for three years she has lived at 60th and Concord and before that lived for many years at 58th and Fairfax. She sympathized with the neighbors, but said since serving on the Blue Ribbon Committee she had believed the gyms belong where they have been proposed. She said she supported this position last fall when running for office, in December after being elected and still supported it. Member Swenson said she felt the best place for the gyms was where they have been proposed.

Member Masica reminded the ECCNA that she had worked closely with them when the proposal to erect a dome over Kuhlman Field had been before the Council. She said that would have been a large complex with seven gyms and a dome and she had not supported it. However, there has been demonstrated a serious need for more gyms. After much analysis and review this opportunity came up to build two additional gyms. Member Masica said there were some economies to be found with building on the school property. She stated she supported the proposal last fall and still supported it. Member Masica stated she believed that traffic and parking would be improved with the re-design of the Southview and Edina Community Center campuses.

Member Hulbert said that she had heard some compelling testimony, but she believed it had been motivated on fear. She said you cannot move forward if fear cripples the decision process. Member Hulbert said she agreed the best place for the proposed gyms was on the Southview and Edina Community Center campuses. She added that she too believed there would be improved traffic flow and parking after the renovations were completed.

Mayor Hovland stated that the process had begun in 2000 with the Community Recreational Needs Assessment concluding the need for additional gymnasiums. The entire assessment has been undertaken with the noblest intentions. It was a purposeful effort to validate needs and determine how to best meet those needs for the overall community good. At the time the Council spent several weeks touring the Metro area, looking at stand-alone facilities and evaluating operating costs and inevitably the extent of the operating losses at those various city owned facilities in the region.

Mayor Hovland said decisions regarding the site as well as Council concerns about costs both capital and operating were carefully considered. Conceptually developed was the notion of a joint enterprise with the School District and the City to maximize efficiencies and keep operating costs in line, thus offering the dual benefit of protecting tax payers and minimizing increases in user fees. Hundreds of hours were spent formulating the elements of a plan reactive to needs yet sensitive to those operating costs and user fees. It was determined that a decentralized system of gyms, attached to School District buildings, was the best way to go. The efficiencies in operations could not be obtained in other ways. This concept would allow the School District to use the buildings during school hours and allowed gyms to be adaptable for a variety of uses.

Mayor Hovland said in September of 2000, a Blue Ribbon Committee of citizens and staff began to their work of verifying usage needs. He explained that included in their charge was analysis of potential locations for gymnasiums, noting at least two members of the Blue Ribbon Committee were residents of the Edina Community Center neighborhood. He said at the completion of its work, the

Blue Ribbon Committee recommended that four additional gyms be constructed in the City with two of them to be built on the ECC campus. Braemar was considered and rejected as a possible site due to high construction costs and possible alternative needs by hockey. The Blue Ribbon Committee then recommended proceeding to a referendum, which failed for a variety of reasons. The need of additional gym space in the community has not abated over the last five years.

Mayor Hovland stated that in the fall of 2004 after considering several failed options the City and the School District again began discussion of a joint interposed relative to the construction and operation of gymnasiums. The position of the district was that it would be the City's partner, but it could take no financial risk in the endeavor. After considering the School District's position the City Council decided to conduct a joint public hearing to discuss the potential construction of the two gym on the ECC/SV campus.

The City mailed 211 notices to residents within 500 feet of the campus. On November 24, 2004, the hearing was conducted where speakers representing hundred of children spoke in favor of the proposal, e-mails received at City Hall and by Council members were strongly weighted in favor of the proposed construction project. Little if any concerns were expressed that evening by neighbors. On December 7, 2004, the Council authorized the preparation of a schematic design plan for the gymnasium on the ECC Campus.

Mayor Hovland stated at present, the Council was considering the issuance of a conditional use project to commence the project. He stated that in his eight plus years on the Council this was one of the most vexing and gut wrenching issues he had faced. Mayor Hovland said it was his nature to solve problems and create an acceptable outcome for everyone. He stated his regret that in this situation there would be disappointment no matter what was determined. Mayor Hovland said the problem was that the overall view of the community was inconsistent with the ECC neighborhood regarding the location of the gyms. He said he did not consider the ECCNA concerns to be spurious, acknowledging that Council has known of their traffic concerns for some time. Mayor Hovland stated that when someone resided in the neighborhood that contained two elementary schools, a middle school, a community center, an athletic complex and a kids club, inevitable transportation issues were inherent. He said he wished he could tell the ECC neighbors not to worry, but said that he knew building two gyms on the site would put more pressure there. However, he stated the Council over the last five years had been trying to make the best decisions possible for the betterment of the community. Mayor Hovland said that in this situation he believed it was in the most beneficial interest of the City to locate the two proposed gymnasiums at the Community Center location. He added that he could offer no consolation to the neighbors but to state that the Council cared about safety as much as the neighbors and will work diligently to solve any real or perceived safety problems in this part of time.

Member Swenson made a motion introducing the following resolution and moving its adoption:

RESOLUTION NO. 2005-32

GRANTING A

CONDITIONAL USE PERMIT TO

CITY OF EDINA/INDEPENDENT SCHOOL DISTRICT 273

EDINA COMMUNITY CENTER AND SOUTHVIEW MIDDLE SCHOOL CAMPUS

WHEREAS, the procedural requirements of Code Section 850 (the Zoning Ordinance) have been met; and

WHEREAS, it has been determined that the Findings as required by Code Section No. 850.04 Subd. 4 have been satisfied:

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby grants a Conditional Use Permit to the City of Edina and Independent School District 273 for the purpose of building gymnasiums adjacent to Southview Middle School and Edina Community Center.

Passed and adopted this 19th day of April 2005.

Member Hulbert seconded the motion.

Rollcall:

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

CONDITIONAL USE PERMIT FOR GOOD SAMARITAN CHURCH - 5730 GROVE STREET CHURCH EXPANSION CONTINUED TO MAY 17, 2005

Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Mr. Larsen said that Good Samaritan Church located at 5730 Grove Street, north of Grove Street and east of Wycliffe Road has requested a Conditional Use Permit to allow adding to their existing church building. He said the addition would extend north from the westerly end of the existing building. The single story addition would house a multi-purpose room, changing rooms, and two resource rooms. Mr. Larsen said the plans also include a new entry, and lobby area adjacent to the east parking lot.

Mr. Larsen explained that both additions comply with the required setbacks. Proposed exterior materials also comply with code standards. There would be no need for any variances.

Mr. Larsen reported that the Planning Commission expressed concern about the loss of mature trees on the site. Mr. Larsen and Tom Horwath, City Forester, visited the site with church representatives. Referring to a memo from the project landscape architect, Jan Anderson, Mr. Larsen said that 24 trees would be removed with the church planting twenty or so young trees in the existing wooded area. In addition, the church would plant two larger Swamp White Oak trees on each side of the walkway to the new church addition off Wycliffe Road. He said the church would also remove two existing Russian Olives and one stump along Wycliffe Road. Mr. Larsen said the church plans to use the forester's provided list of shade tolerant trees and will also be taking action to remove buckthorn from the wooded areas.

David Knutson, 5215 Benton Avenue, spokesperson for Good Samaritan, explained the addition was termed a "family life center" with a rubberized synthetic surface floor.

Member Masica asked what percent of the time would the addition be used for rental activities. Mr. Knutson replied that none of the time would the space be rented, it was intended for use for on going activities of the church. He added the church hoped to be used by people in the community such as Boy Scout meetings, youth activities or a gathering place for middle school youth on Friday evenings.

Member Swenson asked how many adult members were on the church's rolls and if the church hosted any Friday night activities in its current facility. Mr. Knutson replied there were about 1,000 confirmed adult members comprised of about 450 households. He said they do not have the type of programming they would like to offer to the church's youth.

Public Comment

Kevin Lawless, 5809 Grove Street, stated he believed the proposed use for the expanded portion of Good Samaritan constituted a commercial use and he urged the Council to not authorize the requested Conditional Use Permit until more questions have been answered.

Lenny Gallup, 5932 Grove Street, stated he was a 33-year resident. He expressed concern that such a large addition could be added that was not a worship facility. Mr. Gallup added he believed the addition would be used for a commercial purpose, that there was too much traffic in the area already

and urged the Council not to approve the requested conditional use permit. He said he did not believe the Council should approve a structure that was as ugly as the barn like building proposed.

Gary Lee, 5621 Wycliffe Road, referred to a letter dated April 11, 2005, where he had outlined his frustration over what he termed inadequate notification by the Church to the neighborhood, difficulty in obtaining information from the City about the proposed addition, lack of success in obtaining information at the Church on April 3, 2005, and the insufficiency of the City's notification of the Planning Commission and City Council meetings. Mr. Lee stated his concern about the potentially negative impact of the proposed addition on the neighborhood; the loss of trees on the site, and with the size and aesthetics of the proposed addition. He urged the Council to take additional time to study the issue and to require the church to engage in further dialogue with the affected neighbors. He pointed out a letter in the churches submittal that talked about commercial use of the kitchen.

Tom Shaughnessy, 5705 Wycliffe Road, said he vaguely remembered receiving a notice, but asked for more opportunity for discussion. He said the proposed addition was very strong architecture and added he felt it needed further study. Mr. Shaughnessy mentioned his concern with traffic in the area.

Elaine Allen, 5708 Wycliffe Road expressed concern about the location of the proposed addition and its impact on the trees on the Church's property.

Martha Murphy, 5801 Merold Lane, expressed concern over the size and use of the proposed addition. She suggested another spot on the property would be better and less impact on the neighborhood.

Mollie Urbanski, 5800 Stuart Avenue, said she thought the addition was a community center and not part of a church. Ms. Urbanski said that according to her reading of City Code a community center should not be allowed in a residential neighborhood. She added the corner of Grove and Stuart was already a busy intersection with a stop sign. Ms. Urbanski stated she did not want the noise that will come from youth activities in her neighborhood. She asked what exactly the church had planned for the proposed addition. Ms. Urbanski stated she has already experienced youth from the church going past her property rather loudly and would anticipate this increasing if there were to be additional programming on the site. She also stated that she had great difficulty in finding information about the proposed addition at the church. Ms. Urbanski stated she did not remember getting notices as stated by church members.

Joel Hamilton, Station 19, Architect for Good Samaritan briefly described the proposed addition and reconfiguration of the existing church.

Member Swenson asked if the addition on Wycliffe had any windows proposed in it. Mr. Hamilton said there were windows on the lakeside of the building, but the street side.

Mayor Hovland asked what the middle thirty-foot section of the building was proposed to be used for.

Pastor Dan Johnson, 310 Dearborn Court, stated he appreciated the concerns of the neighbors and thanked the Council for staying and considering Good Samaritan's request. He said the section in question would be remodeled into a commercial kitchen that would allow the church to have caterers come in and prepare food on site for church functions such as suppers, support groups and Wednesday night youth activities. Pastor Johnson said now when meals are served it must be prepared elsewhere brought in and served. He added that the church had no intention of entering into a commercial venture noting that doing so would jeopardize the church's tax-exempt status.

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Pastor Johnson stated it was part of the church's mission to open their doors to the community and that had been part of the brainstorming when the addition was conceived and planning for it began. He apologized for the letter that was not dated or signed in the submittals and said he could not explain its origin, but reiterated that the proposed uses of the facility were not for commercial purposes.

Pastor Johnson acknowledged that the School District was currently using some space for some early childhood activities, but said he did not believe this was causing a negative impact on the surrounding community. He added that part of the church's mission was to serve beyond its walls. Pastor Johnson also apologized for the miscommunication with the neighbors, but stated that a three dimensional model has been on display in the church since Easter of this year.

Member Hulbert stated that she has not been in a church in many years that was without a "gym". The requested Conditional Use Permit does not need any variances from the City. She said she would support the requested expansion with the caveat that the church work with the neighborhood to help them understand clearly their intent.

Member Masica said she would like more time to evaluate the proposal so as to make a good decision.

Member Swenson said the Council needs to be fair and balanced in their decisions and she felt that the 100-foot wall would not be fair to the neighborhood. She suggested the church take some time to re-evaluate the design. Member Swenson also suggested the church work with their neighbors to attempt mutual understanding.

Mayor Hovland agreed with Member Swenson. He stated Edina's code allows churches to exist in residential neighborhoods, but then the churches must work to communicate their plans and work to achieve consensus with the neighbors.

Member Swenson made a motion to close the public hearing. Member Masica seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion granting a sixty-day extension from action; and continuing consideration of a Conditional Use Permit request from Good Samaritan Church 5730 Grove Street until May 17, 2005. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***PUBLIC HEARING FOR PRELIMINARY PLAT APPROVAL FOR BLAKE SCHOOL AND THE CITY OF HOPKINS CONTINUED TO MAY 17, 2005** Motion made by Member Swenson and seconded by Member Masica to continue the Preliminary Plat Approval for Blake School and the City of Hopkins to May 17, 2005.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR ROBOTIC TOTAL STATION UNIT FOR ENGINEERING** Motion made by Member Swenson and seconded by Member Masica for award of bid for a Robotic Total Station Unit for Engineering to recommended low bidder, Leica Geosystems, at \$32,256.44.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR DECK REPLACEMENT AND EXPANSION – EDINA AQUATIC CENTER** Motion made by Member Swenson and seconded by Member Masica for award of bid for deck

replacement and expansion for the Edina Aquatic Center to recommended low bidder, RJ Marco at \$34,950.00 including sales tax.

Motion carried on rollcall vote – four ayes.

***BID AWARDED FOR THEME WALL ADDITION – EDINA AQUATIC CENTER** Motion made by Member Swenson and seconded by Member Masica for award of bid for a theme wall at the Edina Aquatic Center to recommended low bidder, Themesapes, Inc., at \$31,600.00 including sales tax.

Motion carried on rollcall vote – four ayes.

TEMPORARY ON-SALE LIQUOR LICENSE FOR 50TH & FRANCE BUSINESS ASSOCIATION FOR THE EDINA ART FAIR APPROVED Chief Siitari explained the 50th & France Business Association applied for a Temporary On-Sale Intoxicating Liquor License to sell beer and wine at the 50th & France Art Fair on June 3 – 5, 2005. The Association has also applied for a Special Permit to use the Edina 5-0 Municipal Parking Lot as the location for the licensed premises. A copy of the signage plan and parking lot set-up was presented.

Mr. Siitari elaborated that background checks on the Association portray their eligibility for the liquor license. The plan as submitted was similar to last year's plan but the size of the fenced area has been reduced. Private security will control access to the beer garden and two uniformed Edina Police Officers will patrol the parking lot and fenced area on foot. There were no problems related to the Liquor License or use of the municipal parking lot at last years' event. Staff recommends approval of the applications for a Temporary On-Sale Intoxicating Liquor License and a Special Permit for use of City property in conjunction with a Temporary Liquor License.

Member Masica commended the Association with the way the Art Fair has been operated in previous years.

Member Masica made a motion, seconded by Member Swenson to close the public hearing.

Rollcall: Hulbert, Masica, Swenson, Hovland

Motion carried.

Member Masica made a motion approving the application for a Temporary On-Sale Intoxicating Liquor License and a Special Permit for use of City property in conjunction with a Temporary Liquor License to the 50th & France Business Association. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

***RESOLUTION NO. 2005-28 APPROVING THE VERNON AVENUE WATERMAIN AGREEMENT WITH ST. LOUIS PARK** Member Swenson introduced the following resolution, seconded by Member Masica and moved its approval:

RESOLUTION NO. 2005-28

A RESOLUTION AUTHORIZING

EXECUTION OF AGREEMENT WITH THE CITY OF ST. LOUIS PARK

FOR VERNON AVENUE WATERMAIN RELOCATION

WHEREAS, the City of St. Louis Park has submitted an Agreement to the City of Edina requesting execution of the Mayor and City Manager allowing the Cities to jointly undertake the relocation of the watermain on Vernon Avenue; and

WHEREAS, this agreement shall expire upon full payment by the City of Edina for all work construction.

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NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Edina has authorized the Mayo and City Manager to sign the agreement and return a copy to the City of St. Louis Park.

ADOPTED this 19th day of April 2005.

Motion carried on rollcall vote – four ayes.

APPOINTMENT MADE TO EDINA PARK BOARD Mayor Hovland informed the Council of his intention to appoint Raymond O’Connell to fill the vacancy on the Edina Park Board.

Mayor Hovland made a motion appointing Raymond O’Connell to the Edina Park Board for a term to February 1, 2007. Member Swenson seconded the motion.

Ayes: Hulbert, Masica, Swenson, Hovland

Motion carried.

*CONFIRMATION OF CLAIMS PAID Member Swenson made a motion and Member Masica seconded the motion approving payment of the following claims as shown in detail on the Check Register dated April 6, 2005, and consisting of 27 pages: General Fund \$160,941.61; CDBG Fund \$31,943.65; Communications Fund \$17,863.68; Working Capital Fund \$5,988.49; Construction Fund \$159.75; Art Center Fund \$2,752.96; Golf Dome Fund \$5,065.27; Golf Course Fund \$66,640.39; Ice Arena Fund \$341.79; Edinborough/Centennial Lakes Fund \$3,280.85; Liquor Fund \$122,020.56; Utility Fund \$13,130.64; PSTF Agency Fund \$14,438.42; TOTAL \$444,568.06; and for approval of payment of claims dated April 13, 2005, and consisting of 28 pages: General Fund \$308,511.80; Communications Fund \$1,733.70; Working Capital Fund \$21,558.97; Art Center Fund \$10,332.66; Golf Dome Fund \$11,853.33; Aquatic Center Fund \$38,346.95; Golf Course Fund \$12,066.83; Ice Arena Fund \$9,875.00; Edinborough/Centennial Lakes Fund \$4,634.68; Liquor Fund \$180,229.01; Utility Fund \$26,083.67; Storm Sewer Fund \$534.29; PSTF Agency Fund \$5,475.57; TOTAL \$631,236.46.

Motion carried on rollcall vote – four ayes.

*PETITION RECEIVED FOR STREET LIGHTING AT 5900 VERNON AVENUE Motion made by Member Swenson and seconded by Member Masica acknowledging receipt of a petition from Nancy Hopf and Manchilo Vucenich for street lighting at 5900 Vernon Avenue and referring it to the Engineering Department for processing as to feasibility.

Motion carried on rollcall vote – four ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 2:00 A.M.

City Clerk